

ANALYSIS

In a 24-hour news cycle where scoops sell and trending thrives, Slow News is veering away from the viral.

As its name implies, this Seoul-based online news organization aspires to deliver news “slowly but more deeply.” Concerned by the sensationalized stories put out by many profit-driven online outfits in South Korea, likeminded journalists and bloggers formed Slow News with a modest yet essential goal: to generate a deeper discussion of issues.

Nakho Kim, one of Slow News’ founders, says the quick pace of online news has contributed to a decline in journalistic standards. “So why not simply build one that is completely the opposite?” he asks.

That’s exactly what Kim and his colleagues did in 2012. And since then Slow News has covered topics in politics, business and culture that might not otherwise be given much attention by traditional media. For a small news outlet in the country’s booming media market – there are more than 2,000 online news sites – Slow News has drawn readers through social media.

But critical developments have been looming over the bandwidth capital of the world for several years now. In late 2015 the government revised its Newspaper Law in a move to curb tabloid-type stories on the Web. The amendment would revoke the registration of online news outlets unless they hire or keep at least five employees by November 2016. Previously, only three employees were needed to get certified, and for which only a staff list was required. Details about employment benefits are to be

submitted as well now. Although not required, getting registered provides news outlets access to press conferences and other benefits.

The new order poses a problem for Slow News, which currently has two full-time employees, an editor-in-chief and a publisher who also serves as designer. Unlike conventional newsrooms, part-time contributors -- journalists, media scholars and bloggers who all keep day jobs -- run Slow News.

Kim does not deny that many online outlets tend to sensationalize news for profit. In South Korea, clicks directly lead to advertising revenue. Many news sites thus put out articles containing trending words, juicy headlines and appealing images to gain more attention. Such practice is troubling enough for journalism at large. Another big issue, Kim says, is that the ordinance may be used to repress small media outlets critical of the government.

“So it’s like killing two birds with one stone,” he says.

The new prerequisite follows a list of other measures that have been enacted or expanded to cover Internet content in South Korea. For decades, the controversial National Security Law of 1948, in addition to the passage of more recent laws, has been considered as the most serious affront not only to a free press in South Korea but free speech, affecting all citizens.

New battleground

South Korea is not alone in the region. Independent news organizations in two other democracies, Indonesia and the Philippines, are also experiencing both direct and indirect challenges in cyberspace, from blocking of content and limited readership to censorship and self-censorship.

Before the rise of social media, regulations mainly covered content published on print and broadcast media. This gap made it possible for alternative news sources to thrive online, filling the void left by traditional or state-owned news outlets. But the massive migration online in the last decade saw governments moving to include Internet activity in their regulatory structures. As a result, what used to be a niche for independent media has now become the “new battleground” for freedom of expression.

Edgardo Legaspi, executive director of the Southeast Asian Press Alliance, says threatened governments are now “playing catch-up” after recognizing that the Internet can be an effective tool for people’s voices to be heard. Governments especially in repressive regimes, he says, are now trying hard to keep Web-based news organizations, which were not previously covered by their regulatory frameworks, in line.

Formed in 1998, the Southeast Asian Press Alliance (SEAPA) is a Bangkok-based nonprofit that monitors press freedom issues in Southeast Asia. The group’s campaigns center on access to information and the safety of journalists in the region. In the last four years SEAPA also started looking into freedom of expression online after seeing a spate of Internet crackdowns across countries. The cases range from distributed denial-of-service or DDOS attacks during intense political episodes, taking down of social media accounts for allegedly inciting hatred, to the prosecution of bloggers in restrictive countries like Vietnam and Singapore.

What’s alarming, Legaspi observes, is that the problems ordinarily met by journalists before are now dispersed to the larger public. Online censorship does not distinguish between individuals using Web platforms to express their views and formal media organizations running news websites.

“Journalists used to be on the receiving end of these threats,” he says. “Now, there are more cases, more victims.”

Madeline Earp, Asia research analyst for Freedom House’s Freedom on the Net report, says the Internet, as a “democratizing platform,” allows practically anyone to express themselves, bypassing professional media which used to provide them the avenue before. “So the field is wide open in terms of people who can face potential repercussions,” she says.

Legaspi’s and Earp’s observations cannot be more true than in Indonesia.

Indonesia’s press predicament

In 2015 Kantor Berita Radio, Indonesia’s sole independent national radio service, published on its website, Portal KBR, a story about a hotel development in Jakarta. The project met strong opposition from the community because the development was getting in the way of a basic need: water access.

Citra Prastuti, Portal KBR’s news manager, says they were careful with the report as they are in everything else they publish. They made sure to follow ethical guidelines and got legal advice on parts that might have been sensitive. Anticipating that one source might encounter trouble at work, they agreed to not name this person in the report. The source stayed anonymous in both the print and audio versions of the story, although the person’s voice can be heard in the podcast.

After the story aired, Portal KBR received a call not from the subject of the story but from the anonymous source. The source asked to have his parts removed from the story because he had been getting a lot of questions from his workplace.

Prastuti says Portal KBR decided to take out the parts in the audio report where the source's voice is heard, although the print story remained untouched. "We look at him as a good source, but then we have to make sure that he is safe," she says.

Portal KBR has not run into any trouble with the law with any story that they have published – and they plan to keep it that way. But getting good information from sources like the one they found in the hotel development story has lately become more complicated in Indonesia.

Nezar Patria, a board member of the Indonesian Press Council, says threats aimed at sources – not news organizations – have become more common in the country in the past two years. Patria says the government and other parties seem to have found a new way, not to precisely control the media, but to seek redress by going after sources.

Similar to South Korea, Indonesia also employs a set of laws covering web content. In addition to defamation provisions in its Criminal Code the government also passed the 2011 State Intelligence Law, the 2008 Anti-Pornography Law and the 2008 Electronic Information and Transactions (ITE) Law. Each law was enacted with good intentions: to ensure national security, counter pornography and protect customer data, respectively.

These measures, however, were widely criticized. Media experts and human rights advocates say these laws contain vague language that leave them open to abuse. The ITE Law, for instance, expanded the authority of the Ministry of Communications and Information Technology to censor online content. Blocking of content tends to be arbitrary because the wording is unclear as to what constitutes "forms of disturbance," "abuse of electronic information," "public interest," and "public order."

The most contentious clause in the ITE Law is Article 27 (3) which prescribes criminal punishment for anyone found guilty of transmitting electronic information or documents that intimidate or defame anyone. Those found guilty of defamation in the ITE Law may serve up to six years in jail and/or a fine of up to Rp1 billion (\$75,921). This is much more severe than the penalty provided in the criminal code which is nine months of imprisonment or a fine of up to Rp4,500 (\$0.34). The ITE Law has been challenged before the Constitutional Court at least four times with none of those judicial reviews leading to any change.

Yet unlike in South Korea Indonesian journalists do not exactly see these laws as a “direct threat” to the press – although they are still very much a cause for serious concern. This is because of the rather special setup in Indonesia wherein the Press Council deals and tries to resolve complaints concerning news reports. This arrangement stipulated in the 1999 Press Law is one of many reforms instituted after the fall of Suharto in 1998.

In effect, parties may find it difficult to go after news organizations because of the strong legal protections for the press. As an alternative they appear to be going directly after the source using Article 27 of the ITE Law for instance.

Patria explains the simple logic behind this phenomenon. Filing a complaint with the Press Council, if successful, would often only result in the media making a correction or the complainant be given the right to reply. Filing a lawsuit against a source who is not covered by the Press Law may lead to criminal charges or imprisonment if convicted.

“This I think is more dangerous to the citizens in Indonesia because criminalizing resource persons is a threat to a wider freedom of speech,” Patria says.

The law may thus create a chilling effect on sources. In a 2014 news report in The Jakarta Post, Information and Communication Technology Watch Indonesia director Donny Budi Utoyo said few experts are willing to be news sources for journalists because of Article 27 of the ITE Law.

Wahyu Dhyatmika, managing editor of Tempo's Investigative Desk, says that to some degree sources take more caution now when speaking to reporters. He doesn't have data to back the observation but notes that there's a growing pressure among newsrooms now to come up with a new set of rules or guidelines to protect both sources and the news outlet when a legal threat is made.

Tempo, founded in 1971 during the Suharto dictatorship, has been the constant source of independent and investigative reporting in Indonesia.

From 2008 to 2014 there were 74 individuals sued under the ITE Law according to a Freedom House report. Ninety-two percent of these cases were filed for online defamation, 5 percent for blasphemy and 1 percent for online threats. The number of prosecutions under the ITE Law also doubled in 2014, with a total of 41 cases, up from 21 in the previous year.

Still in transition

For Dhyatmika, another reality that needs to be addressed is the fact that the Indonesian media is still largely in transition in the digital shift. Many news organizations, he says, are struggling financially while figuring out how to navigate the online system.

Dhyatmika says efforts to find ways for the media to survive in the digital age are wanting. "We are still using Internet mostly for our basic needs -- to verify information,

to check people's background -- but not really taking advantage of what the Internet can offer," he says.

As an example, the Indonesian government as part of the global open data movement has made more data available online. But Dhyatmika says too few stories are churned out from these records for a number of reasons. The shadow of dictatorship from Indonesia's not too distant past has made it difficult for journalists to trust information presented by the government. Reporters covering a beat, for instance, tend to obtain records on their own or through their own sources in government. Often journalists find it hard to use data in reporting because they lack skills such as using spreadsheets to analyze the data.

Dhyatmika says there's plenty of room for Indonesian journalists to use data in stories and create applications for people to get stories they need. "There's a lot of digital training that needs to be done so that journalists can use the Internet at its optimum," he says.

Prastuti of Portal KBR says Kantor Berita Radio moved online because they believe that it is the future of the news media. Even though they had very limited resources back then, she says they just pushed themselves to do the online version.

"We're trained as radio journalists. We don't have enough training for online," she says. "But we feel that we really had to move to the online platform. Otherwise, we will be quite left behind."

South Korea's 'new gatekeepers'

In contrast, South Korea's news ecosystem is flourishing so much so that thousands of news sites exist online. By all accounts South Korea's Internet service

sector is far ahead in the region with its high Internet and smartphone usage coupled with speedy connections.

The online migration of the news media in South Korea began in the mid-90s before the widespread use of the Internet worldwide. The digital shift gained more traction in the late '90s when South Korea adopted broadband Internet. The country was also one of the earliest users of digital subscriber lines or DSL. By the turn of the century, about half of the population already had Internet access. Now at 84 percent South Korea is one of the most wired countries in the world. Meanwhile, according to 2016 data Indonesia is at 20 percent and the Philippines is at 43 percent.

For the past 15 years, most Koreans have gotten their news from Internet portals such as Naver and Kakao. Naver, for instance, has almost 80 percent of the country's search market, beating search engine giants Google and Yahoo. Small independent media are disadvantaged in this thriving online market.

Nakho Kim, who teaches media and journalism at Pennsylvania State University – Harrisburg, says the growing dependence on Naver and Kakao has led to portal sites becoming the “new gatekeepers” in the flow of information online.

Portal sites in South Korea do not operate like Google as they do not search all possible sources of news. They provide content from contracted news outlets. To get a contract with Naver a media outlet needs to be certified with the government for at least one year. For Kakao the condition is two years.

Although there are other ways to reach readers a news organization's visibility can be limited without a contract with these portal sites. This is expected to be more

difficult now with the recent ordinance requiring news outlets to have at least five employees to be eligible for certification with the government.

Yong Jin Kim, editor-in-chief of the Korea Center for Investigative Journalism, South Korea's first online investigative nonprofit, cannot say that the government issued the new order specifically to suppress the media. However, he allows that it will lead to a decrease in the number of small, independent media.

In addition to the minimum required staff number, news organizations also need to submit details about employment benefits and proof that it has a newsroom (such as an office lease) to get certified. Seeking registration, however, does not mean getting permission from the government, so if a news outlet pass qualifications, it will most likely get certified.

News outlets do not necessarily need to go through the formal registration process to practice journalism in South Korea. But getting certified has its benefits such as access to press rooms or conferences in Congress, courts or the prosecutor's office.

Nakho Kim says small startups typically end up with two options. "One thing is to get a little bigger and then try to reach a deal with Naver," he says. "If you won't be able to do that you won't be read on Naver and that will very much limit your visibility." The second option is to utilize other avenues such as Facebook and Twitter to reach more readers.

Yong Jin Kim says most media organizations do rely heavily on Naver and other web portals. Only a few small news outlets, he says, are able to reach readers through other means, either directly through membership or the vigorous use of social media.

Newstapa, the online publication of the Center, is one such example. Although it has had a two year news article search contract with Naver and since 2015 a contract with Naver News Stand Newstapa draws most of its readers, about 30 percent, from Facebook followed by direct visit at about 20 percent. Kakao Story, a social media application run by Kakao, and Naver make up about 20 percent of Newstapa's web traffic, and the rest come from Twitter, Google and other platforms.

Kim says Newstapa has been able to keep its earliest readers using only social media to distribute content. In Kakao Story it has the most number of followers among all Korean media outlets.

Newstapa also gets substantial traffic through direct visits because it regularly sends newsletters to its 35,000 donating members. Still, Kim says they are looking into how to get more direct visits to their website. "We haven't figured out anything much in particular yet. We are focusing on spreading our content through social media at this moment," he says.

For Kim, the problem takes root from the commercialization of the media, in which clicks automatically lead to advertising revenue. The set-up, he says, leads to abuse, causing many mainstream newspapers and network channels' news sites to run articles containing words trending on social media or web portals.

"These news sites are full of articles with sensational headlines and pictures to attract clicks," he says. "Such practice of media is severely damaging the Internet news culture."

For Kim, ensuring accountability online cannot be achieved by setting a minimum number of employees for news agencies.

Newstapa collaborates with a network of small, local nonprofit media in Daegu and Gwangju, two major cities in South Korea. They share resources to cover the local and general elections, for instance. Kim says these groups are very small organizations with less than five staff members, yet they write great stories and follow ethical standards.

“It is unreasonable that such excellent news organizations don’t qualify for news agency certification because they have a small number of journalists and have a small budget,” he says.

Censorship and self-censorship in South Korea

Naver, Kakao and other online service providers in South Korea are legally considered media outlets and are thus not exempted from media laws and regulations, including defamation provisions.

Nakho Kim says these intermediaries are thus obliged to block content. “If there is somebody who tries to say that he has been defamed by this libelous content, they can just notify online services, such as Naver, or blog services, and they have to filter out the content right away.”

In South Korea, a portal site can block content first before any form of discussion or conflict resolution could take place.

“By default, your content will get filtered if somebody, either the subject of a story or sometimes a government official, says it’s a problem,” Kim says. “The whole conflict resolution process begins in weeks or months even, and during that period the content just gets blocked.”

News outlets, journalists and Internet users are therefore likely to practice self-censorship in the country.

Nakho Kim observes that users, especially those in portal sites like Naver do self-censor because they want to avoid getting into trouble with the government. He says individual news outlets also practice a fair deal of self-censorship but the focus has been more towards reporting about companies rather than the government. South Korea's advertising market is an oligopoly. Self-censorship on stories concerning businesses thus become more prevalent among news organizations whose main lifeline is advertising.

Yong Jin Kim says Newstapa has pursued reporting, offering no sanctuary for anyone, but he cannot say the same for each and every news organization in South Korea. "We've covered, with no hesitation, corruption and problems with any part of the society, including the president, the majority party, National Intelligence Service, prosecution and more," he says. "But it seems like self-censorship has become a daily ritual for many other media outlets."

Kim says he has been seeing tendencies among the press to steer clear of controversial issues in order to avoid potential lawsuit or pressure. In March 2016, for instance, a veteran investigative reporter quit his job at the Korea Broadcasting System (KBS) and moved to Newstapa. The reporter produced a two-part documentary about how the government has been giving out medals to inappropriate figures. Authorities at KBS supposedly were concerned that this documentary could put former president Park Jung-hee, the father of incumbent president Park Geun-hye, in a negative light and kept the documentary from airing. The reporter was also demoted from the investigative team to the radio news copy-editing desk.

“Seeing incidents like this, most journalists end up thinking that writing non-controversial stories is a convenient way to live,” he says. “They end up giving up journalism.”

Philippine cyberspace: A sad and happy place

The Philippine press is considered one of the freest not only in the region but also in Asia. The Internet in the country is remarkably open as well when compared to its neighbors. Yet challenges faced by Filipino journalists come in many forms.

Key measures such as the Freedom of Information Act and Whistleblower Protection Act remain in legislative limbo. Citizens still find it difficult to access public records or feel secure to inform on a person or an entity engaged in irregular or illegal activities.

In 2012 the passage of Republic Act No. 10175 or the Cybercrime Prevention Act met with tremendous criticism from human rights groups and media freedom advocates. Petitions to nullify certain provisions of the law were filed before the Supreme Court but the high court found online libel constitutional.

This development follows a trend in the region where offline crimes are also made punishable online and with penalties much higher than those committed offline. In the Philippines, a person convicted of online libel could be imprisoned for up to 12 years. This sentence is double the maximum jail term for libel committed in traditional media.

Beyond legal measures, independent media in the Philippines encounter a much more basic problem. While no formal mechanisms to regulate content exist the digital divide is still far and wide. Lack of infrastructure, education and training has made it

difficult for citizens to fully access information and communication technologies and for journalists to fully utilize the Internet as a reporting tool.

Like many countries in the region and elsewhere, the Internet has driven audience behavior and has changed the way Filipino readers consume news. For the Philippine Center for Investigative Journalism, a Manila-based investigative nonprofit, two types of audiences have emerged with the increased use of the Internet and social media.

The Center's executive director Malou Mangahas says the Center is now working to find ways to serve the needs of these two groups of audience. On one hand, she says the Center has its traditional readers who grew with its long-form stories and who appreciate hardball investigative reporting. Then there's the other group, the younger online community who are less politically aware. The second group wants stories brought to them, she says.

The key challenge for the Center now is to be able to bridge these two segments of the Center's audience. Mangahas says they are exploring ways to tell stories by producing graphics and multimedia packages parallel to the work being done on the long-form side.

In many ways, Bulatlat, another independent news organization in the Philippines, also finds itself with the same set of challenges.

"It's a hard balance to strike," Bulatlat's editor-in-chief Benjie Oliveros says. He says Bulatlat is trying to adapt to the much faster pace of the news cycle. At the same time they also want to make sure they don't sacrifice the quality of their reporting vis-à-vis shorter, more visual presentation of news and issues preferred by the younger users of the Internet.

Bulatlat is now focusing on how to best utilize social media, recognizing that many online readers, millennials in particular, get their news through Facebook, Twitter and Instagram. The work is not as simple as it sounds for a news outfit that only has a team of six reporters. Covering an event means all hands on deck with one reporter dedicated to write the story, another to handle social media and another to take photos.

Oliveros also says Bulatlat faces competition from media conglomerates that have gained strong presence on the Internet in the past several years. Many of these news outlets are also running online news sites in addition to their original print publication and radio and TV broadcasts. This often includes a dedicated social media team that is very active on Facebook, Twitter and other social networking sites. “Because of their huge budgets, resources and staff, they bombard the Internet with their oversimplified, tabloid-type reporting and interpretation of news and issues, which crowd out in-depth reports,” he says.

Mangahas says it would really be hard for a small news outlet to compete for eyeballs and adapt to the quick pace of online news because it does not have the same resources as the bigger media groups. Another concern, she notes, is that “being quick doesn’t always come with being correct.”

Although the market is somehow disaggregated now, Mangahas says the type of stories that still gets the most hits are stories about crime or celebrities. “So eyeballs do not really give you a good measure of how good your journalism is.”

“So you might want to look at different and unique content you offer that mainstream online news agencies cannot provide,” she says. She says the best websites,

from both big and small news outlets, are actually in “perpetual beta” stage so one has to continue to innovate, continue to offer more unique content.

Legaspi observes the tendency for journalists to make mistakes as they try to keep up with the fast pace of the news cycle. However, looking at the situation more broadly he sees that journalists, especially the more experienced ones, still adhere to professional standards and conduct fact-checking as a routine. The same cannot be said for common citizens who are not bound by such rules, however. In a way, this may also create a potential problem. When a case arises for online media journalists or bloggers, the professional media groups who are more organized might not be able to respond that well as they would for their members, Legaspi says.

“There has to be a conversation between traditional media and the new media because the thing that unites us is we have all made a private choice to write -- to do work as writers or journalists but we do it in the public domain,” Mangahas says. “The common concern we should address is to not to give government an opportunity, or even the courts, to give a negative landmark jurisprudence on this matter because that would be a legal reference.”

The fact that Internet laws do not distinguish between journalists and online users in the Philippines, where journalist killings are high, is especially troubling for Earp of Freedom House. Blogging, she says, is very much similar to block-time radio reporting, where one could purchase time to share his or her opinions on the airwaves. In the same manner, anyone could start a blog and share his or her views there.

In the Philippines, people who use radio as a political platform have been vulnerable to violent attacks. “So if we see that same pattern replicated -- when people

adopt blogs for the same kind of expression -- that would be very problematic,” Earp says.

The Internet is both a happy and sad place for Filipinos too, Mangahas says. It’s a happy place because more and more Filipinos are online. We Are Social data for 2015 shows that 44.2 million Filipinos have access to the Internet, and 42 million are active on social media. There are also 114 million mobile subscriptions, a figure higher than the country’s 101 million population. We Are Social is a marketing agency that conducts a series of studies on digital use around the world.

On the other side of the coin, for every Filipino online more than one is offline, Mangahas notes. More Filipinos still have no access to data services and they tend to be the poorer segments of the population. Mangahas observes that the Internet in the Philippines still has not delivered the values of better public service delivery and more accountable and efficient government.

Mangahas’ observations are reflected in the World Bank’s 2016 World Development Report, which found that while digital technologies have spread rapidly, “the broader development benefits from using these technologies have fallen short and is unevenly distributed.”

Citing data from 2014 the World Development Report shows that that the higher percentage of individuals with access to the Internet at home in the Philippines are those who live in urban areas, with post-secondary education and are in the upper 60 percent of the income scale. Individuals living in rural areas, with primary or no education and are in the bottom 40 percent of the income scale compose the smaller number, faring well below the national average of 17.6 percent.

“So the Internet is still a sad place because it is not inclusive,” Mangahas says.

Regional trend

Freedom House, a Washington, D.C.-based organization that monitors democracy and freedom worldwide, has documented in its annual Freedom of the Net reports ways in which Internet use is limited. The latest study released in 2015 found Internet freedom in decline overall with more governments blocking content, making arrests and cracking down on user privacy.

Indonesia, the Philippines and South Korea – three democracies in the Asia-Pacific – fared differently in the 2015 study. Online activity is considered “free” in the Philippines while Indonesia’s and South Korea’s are both “partly free.”

Each country exhibits a different set of motivations, Earp says, noting that Internet laws are passed according to the specific agendas of each government. She says a lot of the concerns in South Korea stem from either its tense relations with North Korea or social responsibility such as protecting the youth. In Indonesia, racial and religious elements also complicate the speech issue. In the Philippines, the passage of the Cybercrime Prevention Act seem to reflect different interests turning the law into a patchwork of provisions meant to address various issues, including online libel. For all their differences, Indonesia, the Philippines and South Korea share one thing in common: All three criminalize defamation or libel, but the penalties are harsher online than they are offline.

Future of Internet freedom

Media experts are careful to make broad assumptions about the direction the three countries and the region will take in the next few years. Legaspi says the difficulty lies in

the fact that not only are the countries so different, but also because politics in the region is volatile. “(A country) can make an unexpected turn toward greater or lesser freedom, depending on who is in power,” he says.

The election of Indonesian President Joko Widodo and Philippine President Benigno Aquino III were generally seen to foster greater democracy. However, Legaspi does not see major gains in freedom of expression in general or in freedom on the Internet in particular, in these two democracies in Southeast Asia.

Legaspi says the situation might stagnate in the immediate future with the likelihood of even more restrictions as governments continue to extend regulations on traditional press to online media. Although in reality, he says these restrictions would not be entirely new because rules are just being expanded to cover online content.

Although the region appears to be moving toward greater restriction online, Earp says the online platform itself can be used to protect Internet freedom. The Internet can be used to actively campaign against a problematic law, especially if it has not been passed yet. This, she says, has to be paired with efforts that will bridge the community online and the institutions that can actually respond.

“It’s quite important to have recognition in the online community that a law is problematic, but you then need to take that energy and channel it somewhere,” she says.

Earp hopes for more sustained efforts to challenge these laws, particularly in the more democratic countries, and more understanding by institutions that these laws do not actually tackle the problems that they’ve been designed to solve.

People's efforts should also move beyond changing their profile pictures on Facebook as a sign of support against a particular law. "If you have people file legal challenges with the court, that's something that the court can act on," she says.